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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,765	12/06/2001	Lisa M. Wagner	45003-00043USPT	2046

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EXAMINER	
REAGAN, JAMES A	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,765	WAGNER ET AL.	
	Examiner	Art Unit	
	James A. Reagan	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment filed on 16 May 2005.

2. Claims 1, 5, 7, 9-11, 14, and 15 have been amended.

3. Claims 31-45 have been canceled.

4. Claims 1-19 are pending and have been examined.

RESPONSE TO ARGUMENTS

5. Applicant's arguments received on 16 May 2005 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

7. With regard to claims 17-19 the common knowledge declared to be well-known in the art is hereby taken to be admitted prior art because the Applicant either failed to traverse the Examiner's assertion of Official Notice or failed to traverse the Examiner's assertion of Official

Notice adequately. To adequately traverse the examiner's assertion of Official Notice, the Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. A general allegation that the claims define a patentable invention without any reference to the Examiner's assertion of Official Notice would be inadequate. Support for the Applicant's assertion of should be included.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-19 and 31-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Artzi et al. (WO 2000/03332 A1) in view of Ferguson (US 5,819,092 A).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1, 9, 12, 14, 15 and 16:

Ben-Artzi, in at least page 2, paragraph 2 as well as other associated and relevant text clearly discloses adapting and converting electronically published classified advertisements into formats suitable for delivery and display to a variety of destination devices, thereby disclosing the following limitations:

- *receiving, by a composition engine, text of a classified advertisement from an advertiser, the classified advertisement to be provided access to at least one of a plurality of device types;*
- *substantially simultaneously formatting the text of the classified advertisement for at least two of the plurality of device types;*
- *displaying the classified advertisement to the advertiser as formatted for the device types;*
- *each of the plurality of text display areas represent a different output device having access to the classified advertisement;*

Ben-Artzi does not specifically disclose:

- *determining a price, by a pricing engine, for the classified advertisement as formatted for the device types;*
- *displaying the price to the advertiser;*

Ferguson, however, discloses multi-platform computing devices (see at least Figure 1 and associated text), document and text conversion steps (see at least Figures 3a and 3b as well as associated text), displaying a price to an advertiser (see at least Figures 15 and 16 as well as associated text), and fee calculation (see at least Figure 24 as well as associated text). Ferguson also discloses techniques to provide the advertisement to wireless devices (see at least column 28, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the online publishing system of Ben-Artzi with the Ferguson's disclosure because, "...it has been discovered that there exists a need to create online system development

tools that include features, functions and capabilities to support commercial online services such as the aforementioned fee setting function" (Ferguson: column 4, lines 7-11).

Claims 2, 3, 4, 5, 6, 7, 8, 13:

The combination of Ben-Artzi/Ferguson discloses the online classified advertisement publication system as shown above. Moreover, the limitation of *receiving at least one selection for at least one of the device types to distribute the classified advertisement* is considered obvious over the prior art of record because it is essential for the advertiser to choose a format. In addition, Ferguson's disclosure regarding recognized practices for publishing classified advertisement also discloses the following limitations:

- *receiving a selection for a category to place the classified advertisement;*
- *receiving a start date to begin running the classified advertisement;*
- *computing a total price based on a selection of the device types to provide access to the classified advertisement*
- *the classified advertisement includes an image;*
- *the image is a photograph;*
- *the advertiser of the advertisement includes at least one of an individual and a commercial enterprise;*
- *computing total price based on a selection of the device types to provide access to the classified advertisement.*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the online publishing system of Ben-Artzi with the Ferguson because, "...when creating a publicly accessible online system, it is desirable to include the ability to define fee structures for accessing parts of the online system and/or ordering other goods or services" (Ferguson: column 3, lines 54-59).

Claims 10 and 11:

The combination of Ben-Artzi/Ferguson discloses the online classified advertisement publication system as shown above. Ben-Artzi/Applicant do not specifically disclose:

- *receiving at least two selections for at least two device types to distribute the classified advertisement.*
- *receiving a selection for at least two categories to place the classified advertisement.*

However, the Examiner takes **Official Notice** that is old and well-known in the classified advertisement publishing arts to include these as user-specified variables because these factors are used for determining pricing for the classified advertisement.

Claims 17-19:

The combination of Ben-Artzi/Ferguson discloses the online classified advertisement publication system as shown above. Ben-Artzi/Applicant do not specifically disclose:

- *the different formats include a different number of characters per line;*
- *the text in each of the text display areas are individually editable;*
- *each price is based on a number of text lines in the associated text display area;*

However, the Examiner takes **Official Notice** that is old and well-known in the classified advertisement publishing arts to include these as user-specified variables because these factors are used for determining pricing for the classified advertisement.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712.** Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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JAR

15 July 2005